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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,852	07/07/1999	HIROSHI MURAKAMI	31050.9US01	5848

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EXAMINER
FERRIS III, FRED O

ART UNIT	PAPER NUMBER
2123	

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/348,852	MURAKAMI ET AL.	
	Examiner	Art Unit	
	Fred Ferris	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 February 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *14* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims 1-26 have been presented for examination based on applicant's amendment filed 6 February 2003. Claims 1-26 remain rejected by the examiner.

Response to Arguments

2. Applicant's arguments filed on 6 February 2003 have been fully considered.

Regarding applicant's response to objection to the drawings: Formal drawings submitted on 06 February 2003 have been approved.

Regarding applicant's response to 35 U.S.C. 103(a) rejections: Applicants have argued that prior art does not teach relocating vehicles to satisfy user request for vehicles and does not teach selecting a vehicle from a second group in response to no suitable vehicle available in first group. The examiner asserts that these limitations relate to simple ***management of resources*** *as is commonly practiced in the art by any rental car company and hence would have been obvious, and necessary, in order to satisfy a user request. Applicants have further argued that prior art does not teach a computer programmed to determine whether additional vehicles should be relocated and does not teach determining fleet vehicle locations at a given time. The examiner asserts that while these limitations again relate to simple* ***management of resources,*** *and hence would again be obvious, they are also disclosed by Klein in column 5, lines 58-66, and column 6, lines 1-10 respectively. Accordingly, the examiner maintains the 35 U.S.C. 103(a) rejection of claims 1-26. In addition, Claims 1, 8, 15, and 21 have now been given new rejections under 35 U.S.C. 102(b).*

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. ***Claims 1, 8, 15, and 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent 5,812,070 issued to Tagami et al.***

Regarding independent claims 1, 8, 15, and 21: Tagami discloses a shared vehicle rentals system incorporating multiple vehicle groups (VSG), user terminals, and computer system for resource management and servicing user requests. At column 2, line 24 Tagami recites:

"According to the present invention, there is also provided a **shared vehicle rental system** comprising a plurality of motor vehicles having respective **communication units**, a parking area for a plurality of users to rent motor vehicles therefrom and to return motor vehicles thereto, and a **control center** for supervising the motor vehicles through the communication units. The control center has means for **dividing the users into groups** depending on a **usage time** zone in which the users use the motor vehicles or a direction in which the users move with respect to the parking area, registering the users in the groups, and supervising the motor vehicles and the parking area based on **registration information** of the users and usage information of the users which is received through the communication units."

At column 3, line 23 Tagami further recites:

"The control center may recognize the positions of the motor vehicles at all times based on information from GPSs (Global Positioning Systems) carried on the motor vehicles."

(Also see: Abstract, Summary, CL4-L37-65, CL5-L40-63, CL6-L25, Figs. 4-6)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent number 5,726,885 issued to Klein et al in view of U.S. patent 5,066,034 issued to Carr in further view of U.S. patent 5,579,973 issued to Taft.

Independent claim 1 is drawn to:
A **vehicle sharing system** with:
Multiple **ports at remote locations** (vehicle search group (VSG))
User **interface terminal** at each port (fleet requests)
Computer system user interface:
User request defining first VSG
Selecting a vehicle from VSG if available
Defining a second VSG if first not available
Selecting vehicle from second VSG

vehicle selection / means for relocation)
VSG: **Parking facility** at ports
Vehicles due to arrive
Tow hitch for relocation by single driver & **cycle w carrier bracket**
Attendant **display device**

Regarding claims 1-7: Klien teaches a ***vehicle sharing*** *(hiring) system with numerous* ***collection*** *and* ***return points (ports)*** *at remote locations (****parking facilities****) that contain a* ***pool of vehicles (vehicle search group)****. The Klien system includes a computer system with* ***user interface****,* ***display device*** *and software programmed with an intelligent algorithm for determining* ***vehicle selection****,* ***vehicles due to arrive****, and* ***vehicle relocation****. (Background and Summary of Invention, especially CL1-L6-21, CL2-L33-63, CL3-L12, 21, 30, 34, 41, 45 55, CL5-L1, 29, 58, CL6-L46, CL7-L18, CL8-27, Figs. 1-3)*

Klien does not explicitly teach a vehicle sharing system that includes the use of a tow hitch for relocating vehicles.

Carr teaches an apparatus for towing ***(relocating) a first vehicle with a second vehicle*** *by way of a* ***single driver****. (Abstract, Summary of Invention, Figs. 1, 11) In addition to being taught by Carr, tow bars with hitch receptacles, and their use for relocating vehicles (in particular by rental car companies) is obvious and well known in the art.*

Klien further does not explicitly teach the use of a carrier bracket for carrying a cycle.

Taft teaches a carrier bracket for carrying a cycle or any two wheeled vehicle for mounting on the rear of an automobile. (Abstract, Summary of Invention, CL4-L27-65, Figs. 1,5, 8)

It would have been obvious to one of ordinary skill in this art at the time the claimed invention was made, to modify the teachings of Klien relating to a computerized

vehicle sharing *(hiring) system with numerous* ***collection*** *and* ***return points (ports)*** *at remote locations (****parking facilities****), with the teachings of Carr relating to a tow hitch for towing* ***(relocating) a first vehicle with a second vehicle*** *by way of a* ***single driver****, and to further modify the teachings of Klien with the teachings of Taft relating to a carrier bracket for carrying a two wheeled vehicle, to realize a Shared Vehicle System and Method with Vehicle Relocation. An obvious motivation exists since, as referenced by prior art, a long felt need exists for an efficient and cost effective way of making vehicles available (Klien, CL8-L50), and because both Carr and Taft have specifically addressed solving the same problems as the claimed invention relating to transporting one car with another (two hitch), and transporting an additional two wheeled vehicle (cycle carrier) respectively. Further, the Klien system, which is largely automated, contains all the limitations of the claimed invention as a subset (except for tow bar and cycle bracket) and, hence, it would have been obvious, and necessary, to include an attendant display device.*

Claims 8-14 are drawn to:
Method for **sharing vehicles from fleet** with:
Interface terminal at ports
Receiving request for vehicle at interface terminal
Defining VSG (1st & 2nd & number vehicles)
Relocating selected **vehicles**
VSG of port **includes parking facility**
VSG includes **vehicles due** to arrive
Vehicles w **tow bar** / connecting to hitch of 2nd / **towing to port**
Carrier hitch receptacle / carry 2nd to port
Displaying message to 2nd attendant
1st port **different** that VSG of 2nd port

Regarding claims 8-14: As previously cited, Klien teaches a method for ***vehicle sharing*** *(hiring from a* ***fleet****) system with numerous* ***collection*** *and* ***return points (ports)*** *at remote locations (****parking facilities****) that contain a* ***pool of vehicles (vehicle search group)****. The Klien system includes a computer system with* ***interface terminal at the disposition center (port)*** *(see Fig. 1, CL4-14) and software programmed with an intelligent algorithm for determining* ***vehicle selection***, ***vehicles due to arrive***, ***vehicle relocation***, *and* ***number or vehicles at ports****. (Background and Summary of Invention, especially CL1-L6-21, CL2-L33-63, CL3-L12, 21, 30, 34, 41, 45 55, CL5-L1, 29, 58, CL6-L46, CL7-L18, CL8-27, Figs. 1-3) The system also responds to (receives)* ***requests for a vehicle.*** *(CL5-L61)*

Klien does not explicitly teach a vehicle sharing system that includes the use of a tow hitch for relocating vehicles.

Carr teaches an apparatus for towing ***(relocating) a first vehicle with a second vehicle*** *by way of a* ***single driver****. (Abstract, Summary of Invention, Figs. 1, 11) In addition to being taught by Carr, tow bars with hitch receptacles, and their use for relocating vehicles (in particular by rental car companies) is obvious and well known in the art.*

Klien further does not explicitly teach the use of a carrier bracket for carrying a cycle.

Taft teaches a carrier bracket for carrying a cycle or any two wheeled vehicle for mounting on the rear of an automobile. (Abstract, Summary of Invention, CL4-L27-65, Figs. 1,5, 8)

It would have been obvious to one of ordinary skill in this art at the time the claimed invention was made, to modify the teachings of Klien relating to a computerized ***vehicle sharing*** *(hiring) system with numerous* ***collection*** *and* ***return points (ports)*** *at remote locations (****parking facilities****), with the teachings of Carr relating to a tow hitch for towing* ***(relocating) a first vehicle with a second vehicle*** *by way of a* ***single driver****, and to further modify the teachings of Klien with the teachings of Taft relating to a carrier bracket for carrying, to realize a Shared Vehicle System and Method with Vehicle Relocation. An obvious motivation exists since, as referenced by prior art, a long felt need exists for an efficient and cost effective way of making vehicles available (Klien, CL8-L50), and because both Carr and Taft have specifically addressed solving the same problems as the claimed invention relating to transporting one car with another (two hitch), and transporting an additional two wheeled vehicle (cycle carrier) respectively. Further, the Klien system, which is largely automated, contains all the limitations of the claimed invention as a subset (except for tow bar and cycle bracket) and, hence, it would have been obvious, and necessary, to include an* ***attendant display device*** *for* ***displaying messages*** *to other attendants relaying* ***different port*** *groups.*

Regarding claims 15-20: Claims 15-20 merely claim the same features and limitations of claims 1-7 (but relative to first port and user) and are, hence, rejected using the same reasoning as previously cited above.

Regarding claims 21-26: Claims 21-26 merely claim the method for the same features and limitations of claims 8-14 and are, hence, rejected using the same reasoning as previously cited above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, ***THIS ACTION IS MADE FINAL****. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).*

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, careful consideration should be given prior to applicant's response to this Office Action.

U.S. Patent 5,572,430 issued to Murakami et al teaches shared vehicle deployment and reallocation.

U.S. Patent 6,253,980 issued to Murakami et al teaches shared vehicle system and carrying second vehicle.

U.S. Patent 5,812,070 issued to Tagami et al teaches shared vehicle rental system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 703-305-9670 and whose normal working hours are 8:30am to 5:00pm Monday to Friday.

Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 703-305-3900.

The Official Fax Numbers are:

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